

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10996-RWZ

HARVEY HOLMES and ANNE HOLMES

v.

VOLVO TRUCKS NORTH AMERICA, INC.
and ANDO, INC.

PRETRIAL ORDER

October 21, 2005

ZOBEL, D.J.

This matter having come before the Court at a pretrial conference held pursuant to Rule 16, Fed. R. Civ. P., 28 U.S.C., and Kenneth P. Doherty having appeared as counsel for plaintiffs, Harvey Holmes and Anne Holmes; and John B. Connarton, Jr. having appeared as counsel for defendants Volvo Trucks North America, Inc., and Ando, Inc., the following action was taken:

1. TRIAL

Trial is scheduled to commence on March 27, 2006, at 9 a.m. and is estimated to last four to six days.

2. JURY

The parties agreed to impanel eight jurors. Each side shall have four peremptory challenges. Counsel shall file proposed questions to the jury on voir dire no later than March 22, 2006.

3. ISSUES

- a) whether defendant Volvo Trucks North America, Inc. was negligent and/or breached the implied warranty of fitness in the design of the wheel and wheel attachment of the truck in issue;
- b) whether defendant Andco, Inc. was negligent in the manner in which it serviced the truck;
- c) whether the negligence of defendants or the breach of warranty caused or contributed to cause the accident;
- d) The amount of damages

Plaintiffs claim for Harvey Holmes' medical expenses, lost wages, lost earning capacity, pain and suffering, and Anne Holmes' loss of consortium.

4. WITNESSES

On or before March 22, 2006, each party shall file a list of witnesses who will testify at trial.

5. EXHIBITS

Prior to the commencement of trial on March 27, 2006, counsel shall confer with each other concerning any exhibits each intends to offer and note any objections each may have to the exhibits of the other. All exhibits to which opposing counsel do not object shall be deemed to be admitted into evidence. Counsel shall mark these exhibits, prepare a listing thereof, and file four copies. Objected-to exhibits shall be marked for identification and listed separately.

7. REQUESTS AND QUESTIONS

On the first day of trial, March 27, 2006, counsel shall file:

- a. Requests for instructions; and
- b. Proposed questions to the jury on special verdict.

DATE

/s/ Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE